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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application Of: Van D. McCain, et al

Application Serial No: 10/764,120

Filed: January 26, 2004

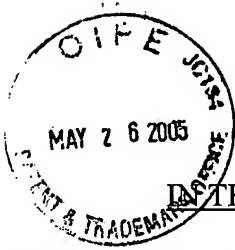
For: Alternator Cover Shield (Response to Requirement for Restriction)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

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John M. Harrison
John M. Harrison

May 23, 2005
Date



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application Of

Mr. Dang D. Le,

Van D. McCain, et al

Primary Examiner

Serial No: 10/764,120

Art Unit 2834

Filed: January 26, 2004

For: Alternator Cover Shield

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22202-3514

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In his requirement for restriction under date of April 26, 2005, the Examiner stated that the above-captioned application contains claims directed to the following patentably distinct species of the claimed invention:

1. Claims 1-14, drawn to the apparatus of an alternator, classified in Class 310, Subclass 89; and

II. Claim 15-18, drawn to the method of sealing, classified in Class 310, Subclass 42.

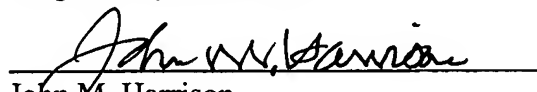
The Examiner noted that applicant is required under 35 USC 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Accordingly, applicant provisionally elects claims 15-18, for prosecution on the merits if no generic claim is held to be allowable, and respectfully traverses the Examiner's restriction requirement, as follows:

Reference is made to MPEP 808.02, which states, "where the related inventions as claimed are shown to be distinct under the criteria of MPEP 806.05(c)-806.05(i), the examiner,

in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (A) separate classification thereof... (B) a separate status in the art when they are classifiable together...(C) a different field of search...". MPEP continues, "where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions." It is respectfully submitted that the Examiner has failed to establish sufficient reasons for insisting upon restriction, by failing to show that the various claimed species belong to separate classifications or separate fields of search, or have acquired separate statuses in the art. All of the claims in the above-captioned application are drawn to a shield for shielding the interior of an alternator and a method for using the shield to shield the starter pulley cavity of an alternator cover.

Accordingly, reconsideration and removal of the requirement for restriction and prosecution of claims 1-18 in a single action, is respectfully solicited.

Respectfully submitted,


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May 23, 2005